IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRELL OREA COLLYMORE *Petitioner pro-se*	:	**CIVIL ACTION**
	:	**NO. 19-4665**
v.	:	
LEE ESTOCK, *et al*., *Respondents*	:	

ORDER

AND NOW this 1st day of October 2020, upon consideration of Petitioner Darrell Orea Collymore's ("Petitioner") *pro-se petition for writ of habeas corpus*, [ECF 2], and the Commonwealth's response in opposition thereto, [ECF 18], and after a careful review of the Report and Recommendation issued by United States Magistrate Judge Jacob P. Hart, [ECF 19] to which no objections were filed, it is hereby **ORDERED** that:

(1) The Report and Recommendation is **APPROVED AND ADOPTED**;[1]

(2) Petitioner's petition for a writ of *habeas corpus*, [ECF 2], is **DENIED**;

(3) No probable cause exists to issue a certificate of appealability;[2] and

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[1] On June 30, 2020, the Report and Recommendation ("R&R"), was filed recommending that the *habeas* petition be dismissed. [ECF 19]. Though notice of the R&R was sent to Petitioner on July 1, 2020, Petitioner has not filed any objections and the time to do so has expired. In the absence of any objections, the R&R is reviewed under the "plain error" standard. *See Facyson v. Barnhart*, 2003 WL 22436274, at *2 (E.D. Pa. May 30, 2003). Under this plain error standard of review, an R&R should only be rejected if the magistrate judge commits an error that was "(1) clear or obvious, (2) affect[ed] 'substantial rights,' and (3) seriously affected the fairness, integrity or public reputation of judicial proceedings." *Leyva v. Williams*, 504 F.3d 357, 363 (3d Cir. 2007) (internal quotations and citations omitted). Here, after a thorough independent review of the record and the R&R, this Court finds no error was committed by the Magistrate Judge and, therefore, approves and adopts the R&R in its entirety.

[2] A district court may issue a certificate of appealability only upon "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c). A petitioner must "demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Lambert v. Blackwell*, 387 F.3d 210, 230 (3d Cir. 2004). For the reasons set forth in the R&R, this Court concludes that no probable cause exists to issue such a certificate in this action because Petitioner has not made a substantial showing of the denial of any constitutional right. Petitioner has not demonstrated that reasonable jurists would find this Court's assessment "debatable or

(4) The Clerk of Court is directed to mark this matter **CLOSED**.

BY THE COURT:

/s/ *Nitza I. Quiñones Alejandro*
NITZA I. QUIÑONES ALEJANDRO
Judge, United States District Court

wrong." *Slack,* 529 U.S. at 484. Accordingly, there is no basis for the issuance of a certificate of appealability.